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June 25, 2025

VIA HAND DELIVERY

Ms. Krys Abel
Records Division
Louisiana Public Service Commission
602 North 5th Street, 12th Floor
Baton Rouge, LA 70802

Re: LPSC Docket No. U-37394; South Louisiana Electric Cooperative Association, ex parte,
*In re: Petition for approval of abandonment of electric facilities located in Terrebonne
and Lafourche Parishes pursuant to Commission General Order dated July 9, 2008 (R-
30301).*

Dear Ms. Abel:


On behalf of South Louisiana Electric Cooperative Association ("SLECA"), please find enclosed for filing in the above-referenced docket the following documents:

- Motion in Limine
- Memorandum in Support of Motion in Limine

Hand

If any additional information is needed, please feel free to contact me. Thank you and with kindest regards,

Sincerely,



Kara B. Kantrow

Enclosures: as stated

cc: Service List (via email)

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

SOUTH LOUISIANA ELECTRIC
COOPERATIVE ASSOCIATION,
EX PARTE

DOCKET NO. U-37394

In re: Petition for approval of abandonment of electric facilities located in Terrebonne and Lafourche Parishes pursuant to Commission General Order dated July 9, 2008 (R-30301).

**MOTION IN LIMINE TO EXCLUDE (1) IRRELEVANT AND SPECULATIVE
EVIDENCE, (2) EVIDENCE OUTSIDE THE SCOPE OF PLEADINGS, AND
(3) EVIDENCE NOT FILED IN THE RECORD OF THIS PROCEEDING**

NOW BEFORE the Louisiana Public Service Commission (“Commission” or “LPSC”), through undersigned counsel, comes South Louisiana Electric Cooperative Association (“SLECA” or “Cooperative”), who respectfully moves the Tribunal to issue an order:

1. Excluding any evidence or argument concerning alleged monetary losses, investments, or potential gains tied to the reconstruction or non-reconstruction of the Lake Lines;
2. Excluding any evidence or argument concerning the expropriation of SLECA’s interests in the Lake Line facilities;
3. Prohibiting any intervenor who failed to timely file direct testimony from introducing evidence or argument at the hearing; and
4. Instructing all parties to advise their witnesses and counsel to comply with this order, and cautioning that any violation may result in exclusion under Rule 55(f) for contemptuous conduct.

As set forth more fully in the Memorandum of Law in Support attached hereto and supported by the record of this docket, the evidence at issue is (i) outside the Commission’s jurisdiction, (ii) irrelevant to the standard governing this proceeding, (iii) unduly prejudicial, and (iv) procedurally

improper when offered by parties who failed to file testimony in accordance with Commission rules. This Motion is brought pursuant to the Commission's Rules of Practices and Procedures and the Louisiana Code of Evidence to preserve the integrity of the record and ensure a fair and orderly hearing.

Respectfully submitted,

MARIONNEAUX KANTROW, LLC



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CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the foregoing data requests upon all parties to this proceeding by electronic mail or by regular United States mail, postage prepaid and properly addressed, on this 25th day of June, 2025.



KARA B. KANTROW

BEFORE THE
LOUISIANA PUBLIC SERVICE COMMISSION

SOUTH LOUISIANA ELECTRIC
COOPERATIVE ASSOCIATION,
EX PARTE

DOCKET NO. U-37394

In re: Petition for approval of abandonment of electric facilities located in Terrebonne and Lafourche Parishes pursuant to Commission General Order dated July 9, 2008 (R-30301).

MEMORANDUM OF LAW IN SUPPORT OF MOTION *IN LIMINE* TO EXCLUDE
(1) IRRELEVANT AND SPECULATIVE EVIDENCE,
(2) EVIDENCE OUTSIDE THE SCOPE OF PLEADINGS, AND
(3) EVIDENCE NOT FILED IN THE RECORD OF THIS PROCEEDING

MAY IT PLEASE THE TRIBUNAL:

South Louisiana Electric Cooperative Association (“SLECA” or “Cooperative”) respectfully submits this Memorandum of Law in Support of its Motion *in Limine* to Exclude (1) Irrelevant and Speculative Evidence, (2) Evidence Outside the Scope of Pleadings, and (3) Evidence Not Filed in the Record of this Proceeding (“Motion”).

This proceeding involves SLECA’s September 25, 2025 petition for approval from the Louisiana Public Service Commission (“Commission” or “LPSC”) not to reconstruct uneconomic and unsustainable distribution facilities destroyed by Hurricane Ida in 2021, which formerly served 282 seasonal camps known as the “Lake Lines” (“Petition”). The Commission’s legal inquiry under the Commission’s General Order No. R-30301¹ is strictly forward-looking and regulatory in nature: whether SLECA’s decision not to reconstruct the Lake Lines serves the public interest

¹ General Order No. R-30301 dated July 9, 2008, in Docket No. R-30301, Louisiana Public Service Commission, ex parte, *In re: Prohibition of Abandonment of Electric or Natural Gas Distribution Facility or Service, Without Prior Commission Approval*.

based on present and future system needs. This proceeding is not a forum for resolving private grievances, awarding damages, or litigating reliance-based claims.

To preserve the integrity of this regulatory proceeding and ensure that it remains within the Commission's jurisdictional scope, the Tribunal should grant SLECA's Motion to exclude irrelevant, speculative, and procedurally improper evidence. Allowing such evidence would undermine the Commission's role, distort the applicable legal standards, and violate the due process rights of the Cooperative.

I. PROCEDURAL CONTEXT AND GOVERNING LEGAL STANDARD

This matter concerns the Cooperative's Petition, specifically SLECA's request for the Commission's approval not to reconstruct the Lake Lines, which were comprised of the distribution facilities that once served 282 meters providing electricity to recreational, seasonal camps located on Lake De Cade, Lake Fields, Island at the end of Four Point Road, and Grand Pass in Terrebonne and Lafourche Parishes.

Several intervenors reference anticipated gains or alleged losses tied to SLECA's actions regarding the Lake Lines.² These claims, monetary expectations, investments, and business plans, fall outside both the scope of SLECA's Petition and the Commission's regulatory mandate under General Order No. R-30301. Also, of all the intervenors, only nine: Steve Richard, Blanche

² For a non-exhaustive list of examples, *see* Direct Testimony of Steve Richard, pp. 4-5; Direct Testimony of Blanche & Keith Melerine, pp. 4-5; Direct Testimony of Chris Guidroz on behalf of the Guidroz Family Intervention, p. 3 (ll. 80-83 and 91-94), p. 4 (ll. 100-02 and 124-25), p. 6 (ll. 170-77), and p. 9 (ll. 209-14); Cross Answering Testimony of Chris Guidroz, p. 3 (ll. 41-47, 57), p. 4 (ll. 58-59), p. 6 (ll. 115-17), p. 7 (ll. 118-35), p. 8 (ll. 137-57), and p. 9 (ll. 161-75); Direct Testimony of Mark Guidroz on behalf of the Guidroz Family Intervention/Testimony of Mark Guidroz in support of intervention by Guidroz Family, p. 1 (ll. 31-32); Direct Testimony of Bruce Messick, pp. 4-8; Direct Testimony of Sara Boudreaux, pdf pp. 4, 7; Direct Testimony of Toby N. Baudoin, pp. 4-6; and Direct Testimony of Carl and Melanie O'Gwynn, pp. 4-6.

Melerine,³ Christopher M. Guidroz,⁴ Mark J. Guidroz, Bruce Messick, Sara A. Boudreaux, Toby N. Baudoin, Carl O’Gwynn, and Melanie O’Gwynn, timely filed direct testimony into the record of this docket in accordance with the deadline set by the Tribunal’s procedural schedule established on December 10, 2024.⁵

Under General Order No. R-30301, the Commission must determine whether abandonment serves the *public interest*, a prospective, system-wide inquiry based on current and future service needs. The Commission’s role is not to adjudicate private grievances, allocate damages, or resolve reliance-based claims.

II. ARGUMENT

A. THIS MOTION IS NECESSARY TO UPHOLD THE COMMISSION’S JURISDICTION AND PROCEDURAL INTEGRITY.

A motion *in limine* is the appropriate procedural mechanism to resolve evidentiary issues before a hearing.⁶ It prevents unfair surprise, streamlines presentation of evidence, and protects the Tribunal’s record from improper materials. More specifically, pursuant to Louisiana Code of

³ Only Blanche Melerine verified the sworn testimony allegedly offered on her behalf and on behalf of Keith Melerine. Accordingly, SLECA represents that only Blanche Melerine offered the direct testimony.

⁴ The phrase “on behalf of the Guidroz family Intervention” is ambiguous, but if Christopher M. Guidroz also testified upon behalf of Action Charters, L.L.C. (now Camp Action LLC), of which he is believed to be a manager based upon information from the Louisiana Secretary of State’s Office, then the total number of intervenors who timely filed direct testimonies would be ten.

⁵ Grady A. Covington, Jr., and Jeremy Brady also filed comments via correspondence into the record of this docket indicating opposition to SLECA’s Petition. While the procedural schedule set by the Tribunal’s Report of Status Conference set a deadline for “Intervenors to file Direct Testimony and/or Comments,” unverified correspondence does not constitute sworn testimony and should, therefore, be afforded less evidentiary weight. Also, Jeremy Brady’s correspondence was filed after the May 9, 2025 deadline for intervenors to file direct testimony, and Mr. Brady has not sought or received leave of the Tribunal for the inclusion of such correspondence in the record. Likewise, although purportedly verified under penalty of perjury, the Testimony of Mike and Cary Brignac was not passed before a notary public and was filed without leave on June 16, 2025, over a month after the May 9, 2025 deadline for intervenors to file direct testimony. Mike and Cary Brignac also did not serve SLECA with their testimony.

⁶ See La. C.E. art. 402; *Shelton v. Hair*, 06-233 (La. App. 3 Cir. 9/27/06), 939 So. 2d 685, 689; *Suhor v. Lagasse*, 00-1628 (La. App. 4 Cir. 9/13/00), 770 So. 2d 422, 427.

Evidence Article 402, a motion *in limine* is used to exclude irrelevant evidence,⁷ speculative evidence,⁸ and evidence outside the scope of the pleadings.⁹ Among other purposes, a motion *in limine* is used to resolve potentially critical issues at the outset, enhancing the efficiency of trials.¹⁰

Here, SLECA's Motion is necessary to exclude irrelevant and prejudicial evidence, particularly speculative economic claims, and post-deadline testimony from noncompliant intervenors. Permitting such testimony would subvert the Commission's procedural framework, deny SLECA its due process rights, and inject uncertainty into the evidentiary record, undermining the integrity of this regulatory proceeding.

Moreover, SLECA requests that the Tribunal limit each intervenor's testimony at the hearing (currently scheduled for August 25-29, 2025) to evidence and arguments properly submitted into the record in accordance with the procedural schedule. Intervenors who failed to file testimony (or failed to file testimony timely) should be barred from presenting new facts or arguments at the hearing. To hold otherwise would deny SLECA and the Tribunal the benefits of an orderly and fair process and would improperly allow certain intervenors to circumvent the procedural schedule to SLECA's detriment.

⁷ See *State v. Black*, 04-1526 (La. App. 1 Cir. 3/24/05), 907 So. 2d 143, 152-53, *writ denied*, 05-1682 (La. 2/3/06), 922 So. 2d 1175; *State v. James*, 02-2079 (La. App. 1 Cir. 5/9/03), 849 So. 2d 574, 584; *Cerniglia v. French*, 00-2768 (La. App. 4 Cir. 4/3/02), 816 So. 2d 319, 323-24, *writ denied*, 02-1228 (La. 9/13/02), 824 So. 2d 1171.

⁸ *State v. St. Romain*, 20-1072 (La. App. 1 Cir. 10/21/21), 332 So. 3d 114, 122, *writ not considered*, 22-304 (La. 4/26/22), 336 So. 3d 898; *Liggio v. Popeye's Diversified Foods & Seasoning*, 12-587 (La. App. 5 Cir. 3/27/13), 113 So. 3d 392, 396; *Otterstatter v. Otterstatter*, 99-1481 (La. App. 3 Cir. 3/1/00), 758 So. 2d 298, 300; *State v. Bourque*, 99-1625 (La. App. 3 Cir. 6/21/00), 762 So. 2d 1139, 1144, *writ denied*, 00-2234 (La. 6/1/01), 793 So. 2d 181.

⁹ *Patterson v. Charles*, 19-333 (La. App. 4 Cir. 9/11/19), 282 So. 3d 1075, 1097; *Taylor v. Dowling Gosslee & Assocs., Inc.*, 44,654 (La. App. 2 Cir. 10/7/09), 22 So. 3d 246, 253, *writ denied*, 09-2420 (La. 2/5/10), 27 So. 3d 299; *In re Succession of Walters*, 05-2252 (La. App. 1 Cir. 9/15/06), 943 So. 2d 1165, 1167-68, *writ denied*, 06-2484 (La. 12/15/06), 945 So. 2d 692; *State v. Fields*, 38,496 (La. App. 2 Cir. 6/23/04), 877 So. 2d 202, 210, *writ denied*, 04-1865 (La. 11/24/04), 888 So. 2d 229; *Farmers-Merchs. Bank & Tr. Co. v. St. Katherine Ins. Co.*, 96-1138 (La. App. 3 Cir. 4/30/97), 693 So. 2d 876, 881, *writ denied*, 97-1867 (La. 10/31/97), 703 So. 2d 25.

¹⁰ *Furlough v. Union Pac. R.R. Co.*, 33,658 (La. App. 2 Cir. 8/31/00), 766 So. 2d 751, 758-59, *reh'g denied*, 33,658 (La. App. 2 Cir. 9/21/00), 766 So. 2d 766, *writ denied*, 00-2929 (La. 1/12/01), 781 So. 2d 556.

B. THE COMMISSION HAS CLEAR AUTHORITY TO GRANT THIS MOTION.

The Commission's authority to rule on evidence, maintain procedural order, and exclude irrelevant or improper material is firmly established under Rules 27, 32, 38, and 55 of the Rules of Practice and Procedure. These Rules empower the Tribunal to ensure hearings remain within the bounds of jurisdiction, relevance, and fairness. Rule 38 of the Commission's Rules of Practices and Procedures contemplates that the Commission may make a ruling to exclude portions of testimonies that are determined to be inadmissible.¹¹ Rule 27 of the Commission's Rules of Practices and Procedures also provides that "the Commissioners may...rule upon the admissibility of evidence...."¹² By Rule 55 of its Rules of Practices and Procedures, the Commission delegated to the Administrative Hearings Division the "authority to...[m]ake evidentiary rulings...." and to "[r]ender interlocutory rulings upon all motions...filed by the parties."¹³ Rule 55 also comports with older provisions in the Commission's Rules of Practices and Procedures regarding the authority of Hearing Officers/Examiners.¹⁴ This conclusion on the Tribunal's authority also agrees with the practice of the courts of the State of Louisiana.¹⁵

Regarding admissibility of evidence, Rule 32 provides the following, allowing for the admission of "all *needful* and *proper* evidence" (emphases added) with the objective of facilitating a convenient, inexpensive, and speedily heard proceeding:

¹¹ Rule 38 of the Commission's Rules of Practices and Procedures concerns the procedure governing offers of proof "[w]hen testimony is excluded by ruling of the Commissioners...." La. Pub. Serv. Comm'n R. Prac. & Proc. 38.

¹² La. Pub. Serv. Comm'n R. Prac. & Proc. 27(C).

¹³ La. Pub. Serv. Comm'n R. Prac. & Proc. 55(j),(r).

¹⁴ "The Hearing Officer so appointed shall have full authority to make all rulings on...the admissibility of evidence...." La. Pub. Serv. Comm'n R. Prac. & Proc. 27(C).

¹⁵ A Louisiana court has the inherent authority to grant a motion *in limine* to exclude evidence that is irrelevant or unduly prejudicial. *Furlough*, 766 So. 2d at 757 ("Motions in limine provide both plaintiffs and defendants with a vehicle to have evidentiary issues decided prior to trial."). *See also State v. Taylor*, 502 So. 2d 534, 536 n.3 (La. 1986), *on reh'*, 502 So. 2d 537 (La. 1987) ("Although the motion in limine is not specifically authorized in Louisiana it is commonly used in this state.").

Any evidence which would be admissible under the general statutes of the State of Louisiana, or under the rules of evidence governing proceedings in matters not involving a trial by jury in the Courts of the State of Louisiana, shall be admissible before the Louisiana Public Service Commission. Other evidence may be admitted by the Commission if it is at all probative and relevant provided the substantive rights of all parties are protected. The rules of evidence shall be applied liberally in any proceeding to the end that all needful and proper evidence shall be conveniently, inexpensively and speedily heard while preserving the substantive rights of the parties to the proceeding.¹⁶

Evidence may be properly excluded when it is not relevant to matters at issue,¹⁷ since “[e]vidence which is not relevant is not admissible.”¹⁸ Relevant evidence is defined by Louisiana Code of Evidence Article 401 as “evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the evidence.”¹⁹ “Facts of consequence” are those which tend to prove the facts essential to the claim or defense (“merits facts”) and facts which tend to establish the credibility of the witness who testified as to merits facts (“credibility facts”). The parties’ pleadings and pre-hearing briefs or statements determine the facts of consequence at issue in a matter. In particular, SLECA’s Petition, which instituted this proceeding, delineated the scope of this matter’s issues at the beginning.

¹⁶ La. Pub. Serv. Comm’n R. Prac. & Proc. 32.

¹⁷ La. C.E. art. 402. *See Walters*, 943 So. 2d at 1167-68; *see also State v. Qualls*, 40,630 (La. App. 2 Cir. 1/27/06), 921 So. 2d 226, *reh’g denied*, 921 So. 2d 249 (La. App. 2 Cir. 3/2/06).

¹⁸ La. C.E. art. 402.

¹⁹ *See State v. Badon*, 95-452 (La. App. 4 Cir. 1995), 664 So. 2d 1291, 1295; *State v. Laprime*, 521 So. 2d 538, 540 (La. App. 4 Cir. 1988), *writ denied*, 524 So. 2d 517 (La. 1988). *See also Bourgeois v. McDonald*, 622 So. 2d 684, 689 (La. App. 4 Cir. 1993) *reh’g denied*, (La. App. 4 Cir. 1993), *writ denied*, 629 So. 2d 1177 (La. 1993), and cases cited therein (Relevant evidence is that “which when taken alone or in connection with other evidence, tends to prove or disprove the material or controlling issue, or tends to defeat the rights asserted by one or the other of the parties or sheds any light upon or touches the issues in such a way as to enable the [factfinder] to draw a logical and reasonable inference with respect to the matter or principal fact in issue....”).

The Tribunal has broad discretion to rule on evidentiary matters, including when ruling on motions *in limine* concerning relevancy.²⁰ A typical *in limine* order excludes challenged evidence²¹ and may also direct counsel, parties, and witnesses not to refer to the excluded matters during trial.²² As such, this Tribunal has the power to exclude irrelevant, speculative, or procedurally improper evidence and to prohibit parties from referencing such material at hearing.

C. EVIDENCE OF PRIVATE ECONOMIC LOSSES IS IRRELEVANT AND OUTSIDE THE COMMISSION'S JURISDICTION.

The LPSC is not a court of general jurisdiction and lacks authority to adjudicate private legal disputes or award monetary damages, including those based on claims of detrimental reliance, breach of contract, or lost investment.²³ Accordingly, testimony or documentary evidence concerning reduced property values, lost returns, monetary damages, or disappointed expectations must be excluded from this proceeding. These matters are properly reserved for adjudication in the district courts.

Claims grounded in detrimental reliance or similar legal theories are fundamentally contractual in nature and seek relief the Commission is not empowered to grant. Under Louisiana law, remedies for such claims, specifically money damages, fall within the exclusive jurisdiction of the state courts. Both Louisiana courts and the Commission have consistently held that the

²⁰ See *George v. Progressive Waste Solutions of La., Inc.*, 22-1068 (La. 12/9/22), 355 So. 3d 583, 587 (“A trial court is afforded broad discretion in its consideration of evidentiary matters, including motions in limine, which are not to be disturbed on appeal absent a clear abuse of that discretion.”); see also *Certain Underwriters at Lloyd’s London v. U.S. Steel Corp. and U.S. Tubular Prods., Inc.*, 19-1730 (La. 1/28/20), 288 So. 3d 120, 121, writ granted and rev’d on other grounds, 19-1730 (La. 1/28/20), 288 So. 3d 120; *Heller v. Nobel Ins. Grp.*, 00-261 (La. 2/2/00), 753 So. 2d 841. A judge has “wide discretion” in making a relevancy determination. See, e.g., *State v. Miles*, 402 So. 2d 644, 647 (La. 1981); *Fisher v. River Oaks, Ltd.*, 93-677 (La. App. 5 Cir. 6/3/94), 635 So. 2d 1209, 1213.

²¹ See, e.g., *State v. Bell*, 05-808 (La. App. 4 Cir. 12/6/06), 947 So. 2d 774, 779-82; *Bailey v. Descendants of Fowler*, 99-418 (La. App. 3 Cir. 10/13/99), 746 So. 2d 130, 140-41, writ denied, 99-3243 (La. 1/28/00), 753 So. 2d 830.

²² *Melancon v. Lafayette Ins. Co.*, 05-762 (La. App. 3 Cir. 3/29/06), 926 So. 2d 693, 702, writ denied, 06-974 (La. 6/16/06), 929 So. 2d 1291, and writ denied, 06-1006 (La. 6/16/06), 929 So. 2d 1293 (La. 2006); *State v. Marsalis*, 04-827 (La. App. 5 Cir. 4/26/05), 902 So. 2d 1081, 1084.

²³ See La. Const. art. 5, § 16; art. 4, § 21(B).

Commission lacks subject matter jurisdiction over contract disputes and has no authority to award damages or enforce private contractual rights; Louisiana law is clear that such matters belong in district court, not before the Commission.²⁴ Introducing them here would improperly convert this regulatory proceeding into a forum for private litigation.²⁵ Admitting such evidence would improperly shift this proceeding from a regulatory inquiry into a forum for private litigation.

²⁴ A long line of settled jurisprudence holds that the Commission is not the proper forum for private parties seeking to institute private actions for damages. See *Magnolia Coal Terminal v. Phillips Oil Co.*, 576 So. 2d 475, 489 (La. 1991) (Dennis, J., concurring in part), *reh'g denied*, 576 So. 2d 489 (La.) (“[M]onetary damages are within the exclusive original jurisdiction of Louisiana’s courts.”); *Richards v. Baton Rouge Water Co.*, 13-873 (La. App. 1 Cir. 3/21/14), 142 So. 3d 1027, 1033, *citing Ethyl Corp. v. Gulf States Util., Inc.*, 01-2230 (La. App. 1 Cir. 10/2/02), 836 So. 2d 172, 176, *writ denied*, 02-2709 (La. 12/19/02), 833 So. 2d 340 (“[W]here the essence of plaintiff’s claims are that Parish Water’s inadequate service caused her damage in some way, the PSC does not have jurisdiction over plaintiff’s claims for damages and attorney’s fees. Rather, jurisdiction lies with the district court. As such, any claims for pecuniary and nonpecuniary damages are within the district court’s original jurisdiction” (internal citation omitted).); *Milstead v. La. Power & Light Co.*, 581 So. 2d 1085, 1086 (La. App. 1 Cir. 1991), *writ denied*, 587 So. 2d 697 (La.) (“A claim for damages otherwise arising out of a contract to supply electricity may be instituted in a district court of proper jurisdiction, according to *Edwards*....”); *Gulf States Util. Co. v. Delcambre Tel. Co.*, 527 So. 2d 45, 46 (La. App. 3 Cir. 1988), *writ denied*, 528 So. 2d 154 (La.) (“As public utilities, Delcambre Telephone and Gulf States fall under the broad regulatory authority of the Public Service Commission. However, this regulatory authority does not extend to the granting of money judgments. Gulf States seeks a money judgment for damages, something the Public Service Commission is powerless to render.”); *Edwards v. La. Power & Light Co.*, 439 So. 2d 442, 444 (La. App. 1 Cir. 1983) (per curiam on *reh'g*) (“We emphasize that we maintained the plea of jurisdiction over the dispute as to the furnishing of services and the cost thereof and dismissed only that portion of the suit. The plaintiff’s complaints as to the claims for damages were remanded to the lower court.”); *La. Power & Light Co. v. White*, 302 So. 2d 358, 366 (La. App. 4 Cir. 1974), *amended on reh'g* by 302 So. 2d 369, *writ denied*, 309 So. 2d 338 (La. 1975) (“The [Louisiana Supreme] Court held that the power to render a money judgment is a judicial and not an administrative function and that the Commission did not have jurisdiction over the dispute.”); *Cent. La. Elec. Co. v. Pointe Coupee Elec. Membership Corp.*, 182 So. 2d 752, 758 (La. App. 1 Cir. 1966), *reh'g denied*, *writ refused*, 185 So. 2d 529 (La.) (“The Louisiana Public Service Commission has no authority to render a money judgment for damages. That is within the jurisdiction of the district courts.”); *Parker Gravel Co., Inc. v. La. Pub. Serv. Comm’n*, 162 So. 64, 66 (La. 1935) (“It is perfectly clear that the only money demand which this act authorizes the commission to entertain is a money demand for damages resulting from a violation of the orders of the commission fixing rates, classifications, rules, regulations, etc.” See La. R.S. 45:1198.); *Tex. & Pac. Ry. Co. v. R.R. Comm’n of La.*, 69 So. 837, 840 (La. 1915) (“[N]either the Constitution nor any statute, whether directly or by fair implication, confers upon the Commission jurisdiction to assess, or award, against a railroad company damages alleged to have been sustained by a shipper or consignee by reason of its observance of a rate authorized by the Commission.”). See also *In re Entergy New Orleans, Inc.*, 353 B.R. 474, 481-83 (Bankr. E.D. La. 2006).

²⁵ *Id.* Under Article 5, Section 16 of the Louisiana Constitution, jurisdiction over civil and criminal matters lies with the state’s district courts unless otherwise provided. Article 4, Section 21(B) of the Constitution grants the Commission jurisdiction to regulate public utilities and enforce rules necessary to fulfill that regulatory function.

Even the Louisiana Supreme Court has stated that contractual disputes are within the province of state courts, not the Commission.²⁶ Similarly, the Commission itself has issued orders providing that it does not have jurisdiction over contractual disputes.²⁷ In short, both Louisiana courts and the Commission have consistently held that contract disputes and associated claims for money damages fall exclusively within the jurisdiction of state courts and that the Commission is not empowered to award damages or enforce contractual rights. The proper forum for damage suits is the district court, not the Commission, and, therefore, any evidence relating to damages is irrelevant.

The Commission's role is to regulate public utilities in the public interest, not to resolve private grievances or provide civil remedies. Further, the Commission's jurisdiction is defined not by the identity of the parties but by the nature of the relief sought.²⁸ The Commission may only hear matters over which it has both adjudicatory authority and the power to grant relief.²⁹ The mere involvement of a public utility does not create jurisdiction over claims for monetary compensation or individualized redress.³⁰

²⁶ See *Cent. La. Elec.*, 601 So. 2d at 1386 (“[T]he PSC has constitutional and statutory jurisdiction over subject matters which principally involve the right to fix and regulate rates charged by and services furnished by public utilities. The Legislature has never ‘provided by law’ for the PSC to exercise jurisdiction over other subject matters and areas of litigation in which public utilities are involved, such as tort actions and contract disputes.”).

²⁷ See Order No. 5435 dated September 6, 1950, *J.D. Harris v. Geo. W. Garif Transfer, Inc.*, *In re: Transfer of Certificate No. 297-A from the former to the latter* (“[I]f there exists a valid and binding contract between the parties, such contract is enforceable only in a court of competent jurisdiction, and not before this Commission.”); Order No. 5451 dated September 6, 1950, *Haynes v. Trahan*, *In re: Cancellation of lease agreement, as set forth therein* (“[I]t is not within the province of [the] Commission to adjudicate the dispute between two parties to the agreement, and if there has been a breach of contract, the recourse of the injured party is to the courts.”).

²⁸ *Daily Advertiser*, 612 So. 2d at 16. See also *Cent. La. Elec.*, 601 So. 2d at 1386 (“It is therefore necessary at the outset to determine the relief demanded by all parties in order to resolve the subject matter jurisdiction issue.”).

²⁹ *Daily Advertiser v. Trans-La., Div. of Atmos Energy Corp.*, 612 So. 2d 7, 16 (La. 1993). See also La. Const. art. 5, § 16; art. 4, § 21(B).

³⁰ *Henry v. Greater Ouachita Water Co.*, 50,750 (La. App. 2 Cir. 10/12/16), 207 So. 3d 1127, 1131, *subsequent appeal*, 54,708 (La. App. 2 Cir. 9/21/22), 349 So. 3d 123, *writ denied*, 22-1586 (La. 1/25/23) 354 So. 3d 5, *citing Town of Sterlington v. Greater Ouachita Water Co.*, 49,315 (La. App. 2 Cir. 10/1/14), 149 So. 3d 952, 954, *writ denied*, 14-2258 (La. 1/1/15), 157 So. 3d 1111.

Here, the only regulatory question before the Commission is whether SLECA's decision not to reconstruct the Lake Lines is consistent with the public interest under the forward-looking standard established by General Order No. R-30301. Intervenor's testimony about alleged losses tied to prior expenditures, investment-backed expectations, or speculative property values is irrelevant to this inquiry. The Commission has no authority to remedy reliance-based claims or award compensation for alleged economic harms, such relief lies solely within the purview of the civil courts. Reconstruction of the Lake Lines would not serve to remedy such harms, nor is that the legal standard.

Moreover, the Commission has emphasized its obligation to evaluate similar requests based on present and future public conditions, including system-wide financial and operational factors, and Louisiana courts have affirmed this forward-looking approach.³¹ Attempts to inject private economic impacts into this proceeding ignore that well-established framework. In such cases, the Louisiana Supreme Court has "viewed th[e] matter with long-range consideration," taking into account the appropriate factors established by precedent, not retroactive evaluations of individual hardships.³²

³¹ See, e.g., *So. Pac. Transp. Co. v. La. Pub. Serv. Comm'n*, SLECA, 317-18 (La. 1975), quoting *Tex. Pac. Ry. Co. v. La. Pub. Serv. Comm'n*, 124 So. 2d 902, 904 (La. 1960) ("[T]he test employed in determining whether or not a railroad may properly be entitled to discontinue an agency station, where an absolutely necessary service is not involved, is whether the public good derived from maintenance of the agency station outweighs the expense to the railroad in continuing such agency. In determining such matters consideration should be given to the volume of business done at the station, its proximity to other stations, the accessibility thereof, the cost of maintaining such agency station, the financial loss, if any, to the railroad, giving due regard to the welfare of the public and the probabilities of future development."). See also *Mo. Pac. R.R. Co. v. La. Pub. Serv. Comm'n*, 128 So. 2d 644, 645 (La. 1961), *reh'g denied*, quoting *Tex. & New Orleans R.R. Co. v. La. Pub. Serv. Comm'n*, 98 So. 2d 189, 190 (La. 1957), ("A board or commission in deciding what train service shall be provided by a railroad must be guided in its determination by the public convenience and necessity in relation to such service; and where it is sought to discontinue certain service, the controlling criteria are the character and population of the territory served, public patronage or lack thereof, the remaining transportation facilities, the expense of operation as compared with revenue therefrom, and the financial condition of the railroad as a whole."). Although the Commission no longer regulates intrastate railroad service and there exist differences between railroad service and electric service from the very nature of the services, SLECA represents that this line of cases is the most analogous body of jurisprudence from the Supreme Court of Louisiana on challenges to Commission orders relating to abandonment/discontinuance of regulated services.

³² *So. Pac. Co. v. La. Pub. Serv. Comm'n*, 222 So. 2d 499, 502 (La. 1969).

In sum, intervenors seek remedies the Commission cannot grant and inject issues it has no power to resolve. Admitting this evidence would distort the applicable legal standard, usurp the jurisdiction of Louisiana courts, and erode the Commission's regulatory authority.

D. THE COMMISSION LACKS JURISDICTION OVER EXPROPRIATION CLAIMS.

One intervenor³³ alternatively seeks for the Commission to require SLECA to buy and transfer ownership of, or otherwise pay Lake Line camp owners for, hybrid solar-battery power systems. In addition to being an unconstitutional taking for a private purpose,³⁴ such an expropriation is likewise outside the Commission's subject matter jurisdiction.³⁵

E. SPECULATIVE TESTIMONY IS INADMISSIBLE.

Speculative testimony, such as anticipated profits from nonexistent businesses or projected returns on unfinished ventures, lacks foundation under Louisiana Code of Evidence Article 602 and is inadmissible under Article 403 due to its prejudicial and confusing nature. These assertions are not only irrelevant but threaten to distort the Commission's fact-finding with conjecture, not evidence. For example, one intervenor³⁶ offers testimony concerning lost profits from a business venture that was, by his own admission, never begun, a claim based on assumptions and projections, not facts within the intervenor's personal knowledge.³⁷

³³ Cross Answering Testimony of Chris Guidroz, pp. 2-9.

³⁴ See La. Const. art. 1, § 4 ("Except as specifically authorized by Article VI, Section 21 of this Constitution [governing local industry inducement] property shall not be taken or damaged by the state or its political subdivisions: (a) for predominant use by any private person or entity; or (b) for transfer of ownership to any private person or entity.").

³⁵ See La. R.S. 19:2.1(A)(1).

³⁶ Direct Testimony of Bruce Messick, pp. 4, 7.

³⁷ *Holt v. Bethany Land Co.*, 36,888 (La. App. 2 Cir. 4/9/03), 843 So. 2d 606, 613, *reh'g denied*, 36,888 (La. App. 2 Cir. 5/8/03), 843 So. 2d 614 (holding that evidence concerning lost profits was too speculative).

F. TESTIMONY BEYOND THE SCOPE OF THE PLEADINGS SHOULD BE EXCLUDED.

In addition to being beyond the Commission's subject matter jurisdiction, the private damages claims reflected in portions of intervenors' testimonies are outside the scope of the pleadings in this matter and, therefore, attempt to enlarge that scope. The Commission's Rules of Practices and Procedures, however, prohibit parties from expanding the scope of issues beyond those properly raised in the pleadings.³⁸ Any such attempt must be rejected. Accordingly, the record should be confined to whether SLECA's decision not to reconstruct the Lake Lines serves the public interest.

G. INTERVENORS WHO DID NOT FILE TESTIMONY SHOULD BE BARRED FROM PRESENTING EVIDENCE AT THE HEARING.

The procedural schedule issued on December 10, 2024, required intervenors to file direct testimony by May 9, 2025. Only nine intervenors timely submitted direct testimony pursuant to the procedural schedule. Allowing non-testifying intervenors to present evidence or argument at the hearing would subvert the procedural schedule, deprive SLECA of its due process rights, and compromise the fairness of the proceeding. Procedural deadlines are not optional; they safeguard the orderly development of the record and ensure each party can prepare a full and fair response. As the Commission's Rules of Practices and Procedures state, "[t]he purpose of these Rules...is to provide for a simple, orderly, and efficient system of procedure...to the end that justice may be served."³⁹ Permitting testimony from those who disregarded procedural deadlines undermines this goal and disadvantages compliant parties. Further, allowing non-testifying intervenors to introduce new claims or arguments at hearing undermines this principle.

³⁸ La. Pub. Serv. Comm'n R. Prac. & Proc. 16.

³⁹ La. Pub. Serv. Comm'n R. Prac. & Proc. 1.

H. EVEN IF marginally RELEVANT, SUCH EVIDENCE MUST BE EXCLUDED UNDER ARTICLE 403.

Even if some excluded evidence is arguably relevant, it is still inadmissible under Louisiana Code of Evidence Article 403 because its prejudicial effect substantially outweighs any marginal probative value that such evidence may have.⁴⁰ Introducing emotionally charged, individualized claims would distort the Commission's deliberation and obscure the proper regulatory standard.

III. CONCLUSION

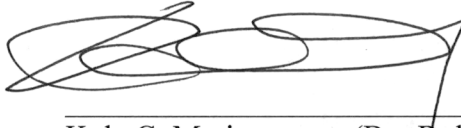
Courts and the Commission alike have consistently held that regulatory proceedings must adhere to established scope and subject matter jurisdiction. Allowing parties to circumvent these limits, by introducing irrelevant, speculative, or procedurally improper evidence, would impermissibly convert this regulatory inquiry into a civil trial. The Tribunal should grant this Motion to preserve the Commission's authority, procedural fairness, and the legal sufficiency of its eventual decision.

For the foregoing reasons and in accordance with the Commission's Rules of Practices and Procedures and the Louisiana Code of Evidence, SLECA respectfully requests that the Tribunal grant its Motion *in Limine* and issue an order for the relief requested. Such an order will preserve administrative efficiency, promote procedural fairness, protect all parties' rights to due process, and ensure that the Commission's decision is grounded in admissible and jurisdictionally proper evidence.

⁴⁰ See La. C.E. art. 403; *State v. Harris*, 11-253 (La. App. 5 Cir. 12/28/11), 83 So. 3d 269, 279-80 (La. App. 5 Cir. 2011), writ denied, 12-401 (La. 8/22/12), 97 So. 3d 376 (holding that, even if independently relevant, evidence may be excluded if its probative value is substantially outweighed by the dangers of unfair prejudice, confusion of the issues, misleading the factfinder, or by considerations of undue delay or waste of time).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the foregoing data requests upon all parties to this proceeding by electronic mail or by regular United States mail, postage prepaid and properly addressed, on this 25th day of June, 2025.



KARA B. KANTROW